IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.43 OF 2007

IN

WRIT PETITION NO.2657 OF 2006

Vithal Nagar Co.Op.Hsg.Society Ltd. .. Petitioner.
Versus
Mr.S.M.Mohite .. Respondent/ Contemnor.

Mr.S.A.Bhadrashette i/b.K.V.Aiyar & Associates for petitioner.
Ms.Rupa Kadam i/b.Kirit J.Hakani for respondent/contemnor.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 30th JULY, 2007.

P.C.:

1. This Contempt Petition alleges that despite an order passed by this Court on 18th October, 2006, directing the respondent before me not to take any major policy decisions, a member of the petitioner Society has been allowed to use the premises in his possession as a "Fitness Centre".

2. I have perused the order passed by this Court. With the able assistance of Mr.Bhadrashette and I am satisfied that the contempt petition is not the remedy for the petitioner Society to challenge the action of the respondent granting permission, for running a Fitness Centre / Gymnasium in the Society premises, by one of the

members.

3. The respondent has not violated the order and direction of this Court. In any event, all materials in that behalf are not produced before me so as to reach a conclusion that the Bye-Laws of the Society do not permit any such activity.

4. In the light of these developments, Mr.Bhadrashette, after seeking instructions from the representative of the petitioner, who is present in Court, makes a statement that petitioner would adopt appropriate proceedings to challenge the action of the Administrator and all such remedies and contentions therein be reserved. He has instructions to state that the contempt petition is not being pressed.

5. Considering the above as also the statement of Mr.Bhadrashette, this contempt petition is dismissed reserving liberty to the petitioner to adopt such proceedings as are permissible in law to challenge the decision of the Administrator.

(S.C.Dharmadhikari, J.)